

Silver 'porn bullet' for information technology industry?



Mr Peter Mancera, of New Zealand, an internet technology porn filter expert.

Picture: Chris Bateman

A draft bill that targets the internet and cell phones exclusively to ban all pornography will enable the plugging of 90% of the corrosive IT deluge that floods past current legislation and causes untold damage to society, especially adolescents and young children.

This was claimed at a symposium on 'The effects of children's exposure to pornography and the impact on society', held at a hotel in Newlands, Cape Town, late last month. The proposed law, strongly promoted by the deputy minister of Home Affairs, Malusi Gigaba (whose lawyers have been vetting it for 3 months), has provoked vigorous debate around the conflicting rights of human dignity, privacy and freedom of expression. If the bill proceeds as currently drafted, the Freedom of Expression Institute (FXI) intends challenging it in court.

Its drafter, constitutional lawyer John Smyth, QC, a prominent anti-abortionist in Doctors for Life and founder of the Justice Alliance of South Africa (JASA), has had previous legal success, ironically in forcing Parliament to hold public hearings for all controversial bills. His track record includes getting home video 'nasties' banned for sale to children in the UK and Australia in the early 1980s. Smyth claims his latest initiative has 'the beauty of simplicity', is well targeted

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and meets the criteria for limiting other competing constitutional rights in South Africa. He cites the 2004 De Reuck case where the Constitutional Court dismissed De Reuck's appeal against his conviction for possession of child pornography, holding that his rights to freedom of expression and privacy were 'peripheral' to the core values of human dignity and the rights of children.

Ms Mbali Cele, of the FXI, told *Izindaba* that while the proposed bill was a 'good initiative' the FXI was concerned that depictions of sex for primarily educational, creative or dramatic purposes would fall victim to it. 'We are opposed to child and adult porn but there's a danger (with scrapping the depiction of adult sex) that we begin eroding the right to freedom of expression bit by bit – you have to ask what will be next,' she added.

Supported by a swathe of government, religious, community and non-governmental organisations, the bill proposes using existing local legal definitions of pornography to make any internet or mobile phone provider who distributes or allows distribution of porn guilty of an offence and liable for jail terms and/or heavy fines. Smyth proposes an internet service provider (ISP) managing body, independent of government, set up by ISPs with experts and advisors of their choosing plus a government law enforcement agency.

How they want to do it

Peter Mancera, a New Zealander who pioneered 'tier one' level internet porn filters for schools in his home country and was board chairman of a child protection NGO there, told delegates that the technology existed to filter out 95% of IT pornography early on.

'We have 200 000 children who challenge our filters every day, so I am confident of the robustness of our product,' he said. Tier one level filters were far more 'accurate, intelligent and effective' than those that relied merely on keywords and enabled tier two filters at ISP level to receive 'cleaner' information flow. This would mean that public libraries, for example, would be fully 'covered'. He said the proposed legislation would be a 'world first', if passed. Smyth said the onus would be on ISPs to show they had taken 'all reasonable steps' to prevent any porn slipping through.

Dominic Cull, of the Internet Service Providers Association of South Africa (ISPASA), said current laws provided no limited liability or protection to any ISP that knowingly carried child porn. Their 'immediate obligation' was to report this to the police and take steps to block or remove the site. However, no such legal clarity existed for general internet pornography and if the new bill was passed 'the challenge will be for us to work with the Peter Mancera's of the world to implement this kind of initiative'. He said ISPs had been 'a bit demonised, which is not fair at this stage; ISPs are gateways to the internet. Yes, we do bear some responsibility as to what comes through but that responsibility is shared with everyone, educators and parents in particular.'

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Porn addiction sequelae

Clive Human, Cape Town-based co-founder of Standing Together to Oppose Pornography (STOP), a community-based organisation helping porn addicts, said there were an estimated 4.2 million porn web pages (12% of all websites) with 28 258 users accessing them every second. In the USA a new porn video was created every 39 minutes, 4 times the volume of Hollywood, with the porn industry valued at R718 billion in 2006 and



Deadly serious under the smiles: opponent: Ms Mbali Cele of the Freedom of Expression Institute and anti-porn activist, John Smyth, QC.

Picture: Chris Bateman

having doubled in value since. Human told disturbing stories of porn addicts wrecking their marriages, committing suicide and even abusing their own children as their addictions progressed. He said that in most cases the adults he counselled were exposed to sexually explicit material or sexualised in one way or another as children, and this had shaped their attitudes towards women and sex.

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Objectification rife

He’d seen increased aggressiveness in boys while it was becoming ‘standard practice’ for children to use pornography to coerce one another into promiscuous sexual behaviour. Boys struggled to relate to girls in a non-sexual way while girls who viewed porn experienced ‘a devastating effect on their relationships, body image and self-respect’.

He cited the case of a 5-year-old trying to insert a bath toy into his little sister’s anus and telling his mother that he’d ‘seen it on the internet’, and another of a porn-surfing mother who called to say her 11-year-old daughter was accessing bestiality sites. He’d been ‘astonished’ at the openness and knowledge during a workshop of 11 - 13-year-olds in the southern suburbs which later yielded 3 anonymous notes, one from a girl who confessed that her dad watched porn and then raped her and 2 from boys who said they could not stop themselves from watching porn. Many felt they could never live up to the physical performance shown in internet pornography, which they preferred because there was ‘no commitment and emotional baggage’.

Veteran psychiatrist, Emeritus Professor Tuviah Zabow, said pornography addiction was more difficult to treat than other drug addictions because it released endogenous chemicals which, unlike exogenous chemicals, could not be detoxified. A sex addict continuously allowed the primitive brain (limbic system) to override the thinking brain (neo-cortex). The limbic system (amygdala and hippocampus) matured very quickly in a child’s brain – long before the other brain structures. ‘Children can instantly grasp, feel, experience and remember images long before they can speak,’ he told an attentive audience. Zabow claimed the science was compelling, adding, ‘no-one can easily argue against the addictive nature of pornography or the structural damage it can cause’.

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In a presentation on ‘Pornography and the developing mind’, a colleague, Fiona Tanzer, said the graphic, attention-grabbing and visually immediate qualities of porn made it more convincing to children than indirect, verbal or written parent/teacher messages. Porn was a bad source of sexual education because the information was distorted and inaccurate, with children unable to realise that it was ‘a bizarre and irresponsible fantasy’. By the time they did, the damage had been internalised. Access was in secret or by mistake with no responsible adult to interpret or contextualise, and the distorted message undermined and overrode parental or school messages and the teen’s own experience. Viewing sexual acts stimulated pathways for arousal (adrenaline) and reward (dopamine) and programmed long-lasting neurological changes in the brain. The immature brain was still being programmed for sexual behaviour, orientation, arousal and attraction stimuli, making pre-teens and teens particularly vulnerable to pornographic distortion of development and to porn addiction. Porn-distorted teenagers’ sexual beliefs skewed their attitudes towards real girls and boys, gave them a false expectation of their own sexuality, distorted what could reasonably be expected from sex and distorted its role.

Pro-active parents ‘vital’

Blasé parents, especially fathers, needed asking whether they’d be happy if their son saw women as sexual commodities, promiscuously used other people’s daughters, sisters, wives and mothers, found

satisfaction and pleasure in being sexually aggressive, callous and abusive and believed women enjoyed pain and humiliation. She asked how they’d feel if their daughter was promiscuous, believed herself only valuable for the sex she provided, was not entitled to sexual respect, enjoyed a sexually aggressive, abusive, disrespectful partner, believed she should enjoy being sexually exploited, abused or degraded, overrode her natural distaste against objectionable acts, submitted to whatever her partner wanted, and thought it OK to be sexually used and tossed aside.

‘This is what pornography promotes. We’re not talking about kids peeking at 1960s style centrefolds, but a cynical vicious multibillion dollar industry that thrives on addiction,’ Tanzer added.

However, Professor Rachel Jewkes, director of the Medical Research Council’s Gender and Health Research Unit, said the science used by Doctors for Life made no attempt to distinguish between different types of porn and different circumstances in childhood. She believes the bill is being driven more by conservative ideology than by rigorous scientific research.

Ms Petronella Linders, from the Department of Communications (which, with symposium host, the Film and Publications Board, falls under Home Affairs), urged a review of existing legislation and a streamlining of policy across departments. She promised to work closely with, among others, the new Ministry for the Rights of Women and Children in implementing symposium proposals. Mr Errol Naidoo, of the Family Policy Institute and a close ally of Smyth in driving the proposed legislation, compared internet porn to secondary smoking.

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‘We need to educate parents, not children. You can’t say it doesn’t affect others. Limit our rights, but at least protect the child. Women and children are the most vulnerable members of our society – we’ll be judged by how we protect them,’ he said.

Chris Bateman